

House Bill 727

By: Representatives Rice of the 51<sup>st</sup>, Murphy of the 23<sup>rd</sup>, Dollar of the 45<sup>th</sup>, and Sims of the 169<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to special license plates for certain persons and vehicles, so as to refine the method for administrative issuance of the license plates; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to special license plates for certain persons and vehicles, is amended by striking Code Section 40-2-60.1, relating to administrative issuance of special license plates, and inserting in its place a new Code section to read as follows:

"40-2-60.1.

(a) The General Assembly finds that during recent years prior to and including ~~1997~~ 2005 there have been proposed and enacted numerous laws providing for the issuance of special license plates for certain persons and vehicles. The General Assembly finds that there exists a need for a standardized administrative process to provide for the authorization of issuance of such special license plates and that the public interest will be best served by such a standardized administrative process. While recognizing that the legislature may not abridge its powers, the General Assembly declares that it is in the public interest of this state for future proposals for special license plates to be governed by the administrative process established by this Code section rather than by the legislative process, except in any case where resulting revenue is to be directed to any recipient other than the general fund of the state treasury in which instance the legislative process shall be followed.

(b)(1) The commissioner is authorized to adopt rules and regulations for the issuance of special license plates for groups of individuals and vehicles. Such rules and regulations shall provide that no such special license plate shall be issued except upon the application of at least ~~1,000~~ 250 persons. The rules and regulations shall provide for the manner of

1 such applications. The rules and regulations shall provide that upon receipt of the  
2 requisite number of applications, a special license plate may be issued as provided in this  
3 Code section. All special license plates shall have an application period of two years after  
4 the receipt of the initial application for the payment of the manufacturing fee. After such  
5 time if the minimum number of applications is not met, the department shall not be  
6 required to continue to accept the manufacturing fee for that special license plate.

7 (2) The department shall not be required to continue to manufacture any special license  
8 plate when the number of active registrations falls below 150 registrations at any time  
9 during the period provided for in subsection (b) of Code Section 40-2-31. Current  
10 registrants may continue to renew such special license plate during their annual  
11 registration period. The department may continue to issue such special license plates that  
12 it has in its inventory to assist in achieving the minimum number of registrations. If the  
13 special license plate falls below 150 active registrations at any time during the period  
14 provided for in subsection (b) of Code Section 40-2-31, the organization sponsoring the  
15 special license plate shall be required again to obtain 250 applications accompanied by  
16 the manufacturing fee.

17 (3) The rules and regulations may provide for exceptions whereby a special plate will not  
18 be issued if the issuance of the plate would adversely affect public safety. The rules and  
19 regulations shall provide for the design and manufacture of such special license plates and  
20 shall provide that such plates shall be readily recognizable as Georgia license plates  
21 through the adoption of a standard design containing a smaller space for the insertion of  
22 an appropriate logo or graphic identifying the special nature of the license plate. The logo  
23 or graphic shall be no larger than three inches by three inches and shall be placed to the  
24 left of the alphanumeric characters. The department shall not utilize any graphic that is  
25 copyrighted unless a sponsoring organization has secured for the state the authority to  
26 utilize the copyrighted design at no cost to the state and the sponsoring organization has  
27 agreed to hold the state harmless against any related claim of copyright violation or  
28 infringement. Subject to the foregoing provisions of this ~~subsection paragraph~~, the design  
29 of each special license plate shall be in the discretion of the commissioner.

30 (c) Any resident motor vehicle owner desiring a special license plate provided for in this  
31 Code section shall submit to the commissioner a completed application form for such plate  
32 with a \$25.00 manufacturing fee in addition to the regular motor vehicle registration fee.  
33 Upon complying with the motor vehicle registration and licensing laws and the rules and  
34 regulations authorized in this Code section, a resident motor vehicle owner shall be issued  
35 a special license plate if the issuance of such plate is otherwise authorized under this Code  
36 section.

(d) Special license plates issued under this Code section shall be renewed annually with a revalidation decal, as provided in Code Section 40-2-31, upon payment of an additional \$25.00 annual registration fee which fee shall be collected by the county tag agent at the time of collection of other registration fees and shall be remitted to the state as provided in Code Section 40-2-34. Special license plates issued under this Code section may be transferred between vehicles as provided in Code Section 40-2-80.

(e) Nothing in this Code section shall affect any special license plate provided for by any other law in existence on or becoming effective on ~~May 1, 1997~~ July 1, 2005."

## **SECTION 2.**

This Act shall become effective on July 1, 2005.

## **SECTION 3.**

All laws and parts of laws in conflict with this Act are repealed.